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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Policy and Rules Concerning the	)	
Interstate, Interexchange Marketplace	)	CC Docket No. 96-61
	)	
Implementation of Section 254(g) of the	)	
Communications Act of 1934, as amended	)	

RURAL TELEPHONE COALITION REPLY TO OPPOSITION

The Rural Telephone Coalition (RTC) submits these replies in response to the Opposition to and Comments on Petitions for Reconsideration and Clarification filed by AT&T Corp (AT&T) in the above-captioned proceeding on January 28, 1997. The Rural Telephone Coalition is comprised of the National Rural Telecom Association (NRTA), the National Telephone Cooperative Association (NTCA), and the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO). These associations together represent more than 850 local exchange carriers (LECs) serving rural areas throughout the United States.

On December 23, 1996, the RTC requested partial reconsideration of the Commission's Detariffing Order[1], explaining that even a minimal ability for the Commission and rural customers and rural providers to enforce the interexchange averaging mandate enacted by section

[1]Second Report and Order, FCC 96-424 (released October 31, 1996 (Detariffing Order).

254(g) of the Telecommunications Act of 1996[2] requires (a) reasonable access to relevant rate information at a centralized location (preferably on-line) and in each state and (b) support under the 1996 Act's universal service provisions to preserve rate averaging in the face of competitive pressures detrimental to averaged rural interexchange rates and interexchange competition in rural markets.

Only AT&T opposes making information reasonably available and providing universal service support for this explicit universal service requirement. AT&T's opposition, however, is riddled with inconsistencies and thinly-veiled opposition to the interexchange averaging requirement Congress enacted.

AT&T complains (pp. 3-4) that making pricing information adequately available in accordance with the RTC's request will add to the substantial cost it predicts from mandatory detariffing. AT&T claims that the RTC proposal would add the costs of "maintaining separate and identical sets of service information in over 100 locations across the country." The RTC's first request was for Internet posting, which would put little, if any, cost burden on an enormous company like AT&T. In fact, AT&T does not dispute (p.4) that it must make the information available in at least one place, as it has always had to do.

Maintaining a public information source in each state and informing appropriate state authorities of the terms and rates is also a negligible and justified burden to bear in light of the relief this proceeding provides AT&T from the prior mandated tariffing that applied to its services virtually across-the-board. In any event, the Commission should give greater weight to

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[2]47 U.S.C. §254G. Citations to the Communications Act assume codification of provisions of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

its obligation to carry out the averaging requirement imposed by Congress than to the minor inconvenience providing adequate information availability would impose on interexchange carriers. While AT&T has fought tirelessly to be declared non-dominant and spared the cost and burden of tariffs, it is not willing to "take 'yes' for an answer" to that request, without bleating for the further privilege of partial, optional regulation. It wants (e.g., p. 4) to be able to file tariffs whenever it finds that course more convenient than deregulation. AT&T's concern over the "burden" from RTC's modest information request is completely out of proportion to what it alleges will be the great cost of mandatory detariffing. Indeed, AT&T's "added burden" argument (p.4) for denying consumers access to the information they need to help the Commission enforce section 254(g) fails to quantify the minimal impact of the RTC's request. Instead, AT&T's concern boils down to complaining that a duty to provide adequate information to rural end users would be the last straw on top of the burden of dealing contractually or transactionally with individual customers -- the way competitive businesses typically do.[3] In any event, the burden on the individual consumer from having to go to Basking Ridge, New Jersey, for example, is certain to be more onerous than the burden on AT&T of making adequate information available.

In view of AT&T's preoccupation, throughout this opposition, with avoiding any duty that might carry a cost, it is startling to find it (n.6) opposing or trying to delay consideration of

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[3]AT&T (p.5 and n.6) brushes off TMIS's request for timely delivery of rate information as based on a "speculative" need. Its breezy dismissal of the problem comes with ill grace from a company that is still actively pursuing regional deaveraging and, just before the 1996 Act was enacted, would only offer to give 5 days' notice before geographically deaveraging its rates. see Motion of AT&T Corp. to be Reclassified as a Non-Dominant Carrier, order, 11 FCC Rcd 3271, 3333-34, 3349 (1995) (AT&T Non-Dominance Order).

the RTC's request to provide universal service support, as necessary, to fulfill the interexchange averaging mandate. The RTC explained the need for support to permit averaging without jeopardizing service by interexchange carriers to rural areas or rural infrastructure development incentives.

AT&T's flimsy objection (ibid.) is that this is the wrong proceeding to consider support. In contrast, in the January 29, 1997 Comments of the Rural Utilities Service in the access charge proceeding, CC Docket No. 96-262, pp. 3-4, that agency also stressed the importance of rigorous enforcement of section 254(g) and warned the Commission about the danger of further access charge deaveraging unless the Commission "provide[s] a support mechanism within access charge reform to remove the incentives for IXCs to avoid higher cost areas." Like the RTC, the RUS realizes that the Commission needs to coordinate its dockets to achieve what the law requires. The Commission has recognized the intricate relationship among the parts of its implementation proceedings, including universal service and access charges.[4]

The same sort of overlap exists here. AT&T should not try to deflect comment on the relationship of detariffing (n.6) to another proceeding unless it is willing to accept, as a precondition on its detariffing relief development of the "sufficient" support required by section 254(e) to achieve the Act's universal service purposes, including subsection 254(g). AT&T does not even allude to the possibility of section 254 support for the cost of making adequate information available to its end users. AT&T cannot cite cost as the sole excuse for denying adequate access to information to enforce interexchange rate averaging, while doing its

[4]E.g., Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, First Report and Order, FCC 96-325, ¶¶6-9 (released August 8, 1996).

best to prevent adoption of support that could solve that "problem." The Commission should therefore require Internet and in-state information and develop support to maintain the incentives for rate averaging, rural interexchange service and rural infrastructure development.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Weldrena Jones-Bean, do certify that on this 7th day of February, 1997, a true and correct copy of the "Rural Telephone Coalition Reply To Opposition" was served on the following:

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